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December 4, 2023

**VIA ECF**

The Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *Stacey Cuello v. Target Corporation***  
**Docket No.: 1:22-cv-02013-PAE**

Dear Judge Engelmayer:

We represent Target Corporation ("Target") in the referenced matter. We write jointly on behalf of both parties to respectfully request an extension of the current December 14, 2023 deadline, by which the parties are to submit the Joint Pretrial Order and motions *in limine*.

Michael J. Crowley, the lead attorney for the trial of this matter on behalf of Target is currently traveling out of the country and will be returning on December 15<sup>th</sup>. In light of this, our office reached out to Plaintiff's counsel and obtained consent to request an adjournment of the current deadline for pretrial submissions. Counsel conferred and in light of the holidays later this month, the parties respectfully request that the deadline be adjourned to a date just after the New Year.

The parties wish to note that this request is being made due to the aforementioned conflict and to afford parties sufficient time to properly prepare the pre-trial submissions, as they have just completed the remaining discovery that had been required due to Plaintiff's surgery. Plaintiff previously provided Target with the authorizations for Plaintiff's continued treatments during this year, her records related to the cervical discectomy and fusion surgery, and post-surgical treatments. In addition, Plaintiff provided Target with additional records and information related to special damages claimed, including liens held by medical providers.

Following Target obtaining said records, Plaintiff's second deposition was conducted and Target served Plaintiff with post-EBT demands. Plaintiff was also examined a second time by Target's orthopedic spine expert and Target has exchanged a supplemental Rule 26 expert disclosure with the expert's report related to said examination. Plaintiff has also provided a response to Target's post EBT demands, which includes documents and information related to a

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litigation funding agreement for funds used by Plaintiff for medical treatments. The parties note the aforementioned discovery to advise the Court of their recent activities related to this matter and to assure Your Honor that this request is not being made to afford more time to conduct discovery.

Your Honor's consideration of the above request is greatly appreciated.

Respectfully submitted,

*Michael Bojbasa*

Michael Bojbasa

CC (via ECF & E-Mail):

**THE LAW OFFICE OF ROBERT A. HYAMS**

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GRANTED. The joint pretrial order in this case is due January 4, 2024, as are any motions *in limine*. Replies are due January 11, 2024. The Court directs the parties, by December 6, 2023, to submit a joint letter estimating the length of trial, as the Court intends promptly to schedule a date for trial in this case.

*Paul A. Engelmayer*

Dated: December 4, 2023  
New York, New York

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PAUL A. ENGELMAYER  
United States District Judge